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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re R.J., a Person Coming Under the
Juvenile Court Law.

B232666
(Los Angeles County
Super. Ct. No. CK 75155)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

J.J.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Sherri Sobel, Juvenile Court Referee. Affirmed.

Joseph D. MacKenzie, under appointment by the Court of Appeal, for Defendant and Appellant.

Andrea Sheridan Ordin, County Counsel, James M. Owens, Assistant County Counsel, and Byron G. Shibata, Deputy County Counsel, for Plaintiff and Respondent.

* * * * *

J.J. (mother) appeals from an order terminating dependency court jurisdiction and awarding J.I. (father) sole custody over their child R.J. Mother shows no error and we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On October 29, 2008, the Los Angeles County Department of Children and Family Services (DCFS) filed a petition alleging mother failed to protect R.J., who was then two years old.¹ DCFS alleged that on numerous occasions mother failed to obtain necessary medical care. DCFS further alleged mother has a history of substance abuse and continued to abuse methamphetamine. It also alleged that mother failed to provide the necessities of life for R.J. Mother admitted to using methamphetamine. Because mother did not comply with her case plan, her reunification services were terminated on February 5, 2010.

R.J.'s aunt (aunt) and uncle provided a loving home for R.J. when mother was unable to care for R.J. Aunt and uncle were awarded de facto parent status and wanted to adopt R.J.

When R.J. was detained in October 2008, father's whereabouts were unknown. On December 16, 2008, the court ordered no reunification services for father. Father did not appear in the dependency proceeding until December 15, 2009, but had been seeking custody and visitation with R.J. since 2006. Initially, the court allowed him only monitored visitation, but eventually the court found father to be R.J.'s presumed father and ordered reunification services for him. On June 22, 2010, the court ordered R.J. placed in father's home.

On April 6, 2011, the court entered a final judgment and custody order awarding father custody of R.J. Mother was entitled to supervised visitation. The court terminated its jurisdiction. Mother challenges that order, maintaining that it was detrimental to R.J. to be placed in father's custody.

¹ R.J.'s half sibling was named in the petition and sole custody of him was awarded to his father, not J.I.

1. Mother's Family's Version of Events

Mother strongly opposed father's effort to reunify with R.J. Mother reported that she left father because he cheated on mother with her best friend. Mother informed the social worker that she did not want father to reunify with R.J. because father "was never there for her [R.J.] when she was a child." Mother testified that R.J. would cry when it was time to return to father's care and would say that she does not want to return there. Mother testified that prior to 2009 father did not want to visit R.J. because father was having a relationship with mother's best friend.

Aunt reported that R.J. did not want to visit father and suffered from nightmares and regressive behavior after visits with father. Aunt was concerned that father would not meet all of R.J.'s needs. After father was given custody of R.J., aunt overheard father tell R.J. she would not be able to visit maternal relatives if she cried when it was time to leave. Aunt was afraid that father was harming R.J.'s emotional well-being and noted that since her placement with father, R.J. was not as happy as she had been when she was living with aunt and uncle.

Grandmother testified that R.J. was a very happy child before she was required to live with father. However, R.J. would start crying when she was told it was time to go to her father's home. Grandmother believed mother should have full custody of R.J.

Mother's pastor testified that he observed R.J. cry when she was told that it was time to go home.

2. Father's Version of Events

Father had been looking for R.J. since 2006 and was unaware that she had been placed in foster care. (Yet father also testified that he had an idea R.J.'s grandmother was caring for her.) Father told social workers that he was at the hospital when R.J. was born, but mother would not allow him to see R.J.

As noted, after father appeared in the dependency proceeding, he was given visitation with R.J. Initially, visitation with father was difficult for R.J. Sometimes R.J. would cry and father would cancel the visit. R.J. told father that mother had warned that her father was trying to take her away from her maternal family. According to father,

R.J.'s crying during visits lasted about a month and a half. After DCFS changed father's visitation schedule, father reported that the visits had improved and that he and R.J. were bonding.

Father's version was supported by DCFS and R.J.'s attorney. DCFS recommended sole physical custody for father. Although initially, R.J. did not have a bond with father, eventually DCFS reported that R.J. appeared comfortable with father and enjoyed the visits. In June 2010, DCFS reported that father had overnight visits and that she had a good time. In December 2010, DCFS reported that R.J. had adjusted to being in father's care. By March 2011, DCFS reported that R.J. "continues to do well in the care of father. The child has adjusted well into the father's family unit. The child has a good bond with her half sister and stepsister. The child expresses herself fondly of the father, siblings and the stepmother. There are no child safety concerns." The social worker concluded that R.J. was safe with father and that father should have full custody.

R.J.'s attorney also recommended custody to father. R.J.'s attorney argued that R.J. was attached to both families, but recommended sole physical custody to father with monitored visits by mother.

3. Juvenile Court Decision

The juvenile court found mother had not completed her case plan. The court noted that mother harbored "palpable anger" to father, which was evident in court. The court further concluded: "This entire proceeding has been a grab by the mother's family to get this child back to the aunt." Mother "knew" father "was trying to have a relationship with the child." "From the time this child went to the father until now, this family has done every single thing in the child abuse yearbook and handbook and manual to convince me that this was a bad father." The court rejected mother's claims that father inappropriately cared for R.J. and instead found that father spent 10 months appropriately caring for R.J. The court awarded father sole legal and physical custody. Mother was given monitored visitation. The court terminated jurisdiction. Mother appealed from the order terminating jurisdiction and awarding father sole custody. For purposes of this appeal we assume that mother has standing to appeal from the order.

DISCUSSION

Mother challenges the court's decision to award father reunification services and to award him sole custody over R.J. As we explain, the first contention is not cognizable in this appeal and the second lacks merit.

1. Mother's Purported Challenge to Father's Reunification Services Is Not Cognizable

Father was given reunification services on February 5, 2010, and to appeal that order a notice of appeal was required within 60 days. (Cal. Rules of Court, rule 8.406(a)(1).) Mother did not identify that order in her notice of appeal filed April 18, 2011, and even if she had, the purported appeal from that order would not have been timely. "A challenge to the most recent order entered in a dependency matter may not challenge prior orders for which the statutory time for filing an appeal has passed. [Citation.]" (*Steve J. v. Superior Court* (1995) 35 Cal.App.4th 798, 811.)

2. Mother's Argument That Placing R.J. with Father Was Detrimental to Her Safety and Well-being Lacks Merit

In arguing that placing R.J. with father constituted an abuse of discretion, mother views the evidence in the light most favorable to her and ignores the juvenile court's credibility determinations. The juvenile court, however, did not credit mother or her family's version of events. Instead the court found that mother, and her family were simply seeking to persuade the court father was a bad father and their efforts to malign father were misguided. The court found that mother and her family knew where father was located but did not tell DCFS in an effort to thwart father's ability to gain custody over R.J. The court concluded that R.J. cried when she left aunt's home after a visit in an effort to "please the adults in her life." The evidence mother emphasized to support her claim that placement with father was detrimental to R.J. was not found credible by the juvenile court.

"We do not evaluate the credibility of witnesses, reweigh the evidence, or resolve evidentiary conflicts. Rather, we draw all reasonable inferences in support of the findings [and] consider the record most favorably to the juvenile court's order" (*In re L. Y. L.* (2002) 101 Cal.App.4th 942, 947.) When the correct standard of review is

applied, the evidence supported the juvenile court's custody award. The evidence showed that father attempted to have a relationship with R.J. but was prevented from doing so by mother. When father appeared in the dependency proceedings he took substantial efforts to provide a home for R.J. where she would be safe and comfortable. Initially, R.J. had a difficult adjustment period and several visits were skipped because R.J. did not want to go to father's home. However, after the initial transition, R.J. adapted to living in father's home and bonded not only with father, but with her stepmother, half sister and stepsister. She appeared comfortable and enjoyed the visits. This evidence supports the juvenile court's custody order. Mother fails to show the court erred in awarding father sole custody.

DISPOSITION

The order is affirmed.

FLIER, J.

WE CONCUR:

BIGELOW, P. J.

RUBIN, J.